

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RANDY CARTER

CIVIL ACTION

v.

SHERIFF JACK PALMER, et al.

NO. 11-7485

**ORDER**

AND NOW, this 22 day of May, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, is ti hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.
2. The Petition for a Writ of Habeas Corpus, filed pursuant to 28 U.S.C. §2254, is **DENIED AND DISMISSED WITHOUT PREJUDICE** for failure to exhaust available state court remedies.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
BERLE M. SCHILLER, J.